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## Beyond a joke: friendlyjordies and the Fixated Persons Investigation Unit

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### Keywords

NSW Police Force, Law Enforcement Conduct Commission, policing, counter-terrorism, extremism, ethics, integrity, accountability, transparency, political environment, political influence, oversight, free speech, citizen journalism, new media, cyber bullying, satire, social licence, corruption, probity.

### Abstract

In June 2021, a producer for popular satirical YouTube channel friendlyjordies was arrested in dramatic scenes at his Sydney home by the Fixated Persons Investigations Unit (FPIU) for allegedly stalking and intimidating NSW Deputy Premier John Barilaro.

The arrest sparked a high-profile outcry. Why did the NSW Police Force send counter-terrorism officers to apprehend someone who had approached the Deputy Premier in public for comment? Many commentators viewed the incident as an attempt to silence friendlyjordies founder Jordan Shanks, a vocal government critic, who was in the process of being sued for defamation by Barilaro.

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Under questioning in Parliament, senior police defended the arrest, arguing that the Deputy Premier was the target of an ongoing harassment campaign by friendlyjordies. However, they struggled to explain why counter-terrorism police were necessary and why they had deviated from standard investigative practice.

Although the criminal charges were eventually dropped and Barilaro's civil case against Shanks ended effectively in a stalemate, the situation highlighted many broader issues including the policing of free speech, the protection of public officials, political influence on public agencies and oversight of law enforcement.

### Key Lessons

Transparency, integrity and accountability are cornerstones of building and maintaining trust in institutions but the appearance of probity also matters. Public officials need to be especially vigilant when their work veers into political territory. Oversight bodies face distinct challenges in scrutinising powerful organisations, including resourcing and authorisation.

## Beyond a joke: friendlyjordies and the Fixated Persons Investigation Unit

Hey John!

On the 4<sup>th</sup> of June 2021, Kristo Langker – a 21-year-old producer for satirical YouTube channel friendlyjordies – spotted the Deputy Premier of NSW (and National Party leader), John Barilaro, near St Mary's Cathedral in Sydney. Langker stopped to ask Barilaro about his defamation case against Langker's employer Jordan Shanks. Langker filmed the brief encounter:

LANGKER: (*Approaching car.*) Hey John! John, John, oi John, I've got something for you. I've got a lawsuit; you're suing my boss.

BARILARO: (*ignores LANGKER, continues speaking on phone as he gets into his car, next to his driver, and closes the door.*)

LANGKER: John, John, John! (*Continues filming for a few seconds as car pulls away*) (friendlyjordies, 2021a).

Earlier, in April 2021, Langker accompanied Shanks (the latter dressed as a Super Mario character) to surprise the Deputy Premier at a university pub event (Exhibit A). In a parody Italian accent, Shanks called a nonplussed Barilaro a 'silly calzone' and asked why he was being sued. Shanks was ushered away while Langker persisted in asking questions. Growing irritated, Barilaro indicated they should leave while his handlers herded Langker out, one pushing him in the process. Barilaro did however confirm that he was suing friendlyjordies, stating that they were 'liars', and the stunt soon concluded (friendlyjordies, 2021b).

### Under Arrest

Several hours after crossing paths with Barilaro near St Mary's, Langker was at home with his family and girlfriend when three detectives from the Fixated Persons Investigations Unit (FPIU) arrived at his doorstep. Video of the event shows, after some jostling and shouting, Langker being handcuffed on the ground (Exhibit B). Langker's mother accuses a detective of assaulting her and killing their pet

dog<sup>1</sup> which the detective disputes. Langker's girlfriend is allegedly assaulted also. Unit officers quickly place Langker in an unmarked vehicle and drive away (friendlyjordies, 2021a).

Later, at a nearby police station, Langker was charged with two counts of stalking or intimidating John Barilaro with the intention of causing him to fear physical or mental harm. The charges referred to both the April and June encounters. According to the police statement of facts: 'The behaviour of the accused, Friendlyjordies and the public reach of the Friendlyjordies media platform has caused the victim to be constantly anxious and in fear of his and his families [sic]...Due to the public reach and offensive nature of the friendly jordies media platform, the victim in his public position is harassed by the followers of Friendly Jordies,' (Knaus, 2021a). Under the Act<sup>2</sup> it was not necessary to prove the alleged victim actually feared physical or mental harm. The Act also did not define mental harm. At the time of arrest, stalking/intimidation carried a maximum penalty of 5 years imprisonment and/or a \$5,500 fine.

Langker was released on strict bail conditions which, in addition to not contacting Barilaro, also prevented him from possessing or sharing images and caricatures of the Deputy Premier, commenting on his appearance and behaviour, and producing any further content harassing the politician. Langker also had to be at least 200 metres from NSW's Parliament House, despite having an accredited media pass. His lawyer, Mark Davis, described the deployment of the FPIU for a 'trivial purpose' as 'nothing less than chilling' and the bail conditions as 'utterly extreme' (Tanner, 2021).

In his response to the arrest, Shanks parked the comedy momentarily to dispute the FPIU account of Langker's actions. He didn't mask his contempt, saying: 'They [the FPIU] are the product of the powers the Coalition have handed this legalised goon squad to be their state funded Praetorian guard under the guise of protecting you from amorphous and ill-defined boogeymen' (friendlyjordies, 2021b).

## The Fixated Persons Investigation Unit

Over the past two decades, lone-actor, grievance-fueled violence (LAGFV) has become a growing concern within counter-terrorism circles (Counter Terrorism Policing, 2020). Perpetrators' motivations vary but, along with their feelings of injustice, is often a history of violence (especially family or domestic) (Maher et al., 2018). In Australia, the danger became tragically apparent during the 2014 Lindt Café Siege which shut down central Sydney and saw two hostages killed. Although various authorities were aware of the perpetrator's mental instability, harassment campaigns and violence towards women, no one recognised the escalating danger he presented (Coroners Court NSW, 2017, p.40).

A subsequent NSW coronial inquest highlighted the need for specialist resources to monitor and intercept individuals who didn't match typical terrorist profiles but could progress to extremist violence (Coroners Court NSW, 2017, p.40). This population included 'fixated persons', individuals who were obsessed by a person or cause and felt driven to act on their monomania. Public office holders were common targets. Research found that the majority of fixated persons experienced mental health issues and were known to police (Pathe et al., 2015, p.9; Riddle et al., 2019, p.461).

The coronial inquiry into the siege recommended that NSW create a unit based upon the UK's Fixed Threat Assessment Centre (FTAC) which had already inspired similar centres in Queensland and the

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<sup>1</sup> Fortunately, the Langker's dog survived the incident.

<sup>2</sup> Crimes (domestic and personal violence) Act 2007, Section 13(1).

ACT. Under this model, detectives and mental health professionals worked jointly to perform risk assessments on referrals and plan interventions where necessary (Bleakley, 2022, p.833). Taking a case management approach, the objective was to address a person's underlying issues and prevent further misconduct. Given the prevalence of (often untreated) psychological disturbance, that frequently meant enlisting mental health services (Riddle et al. 2019, p.462; Pathe et al., 2015, p.5). Direct police intervention was not automatically the first or sole response. For the vast majority of moderate and high-risk cases, the FTAC approach substantially reduced the level of concern (Riddle et al., 2019, p.461; Bleakley, 2022, p.843).

In 2017, the New South Wales Police Force (NSWPF) established its own Fixated Threat Assessment Centre (FTAC), staffed by detective plus specialists from NSW Health. In addition, NSWPF set up a Fixated Persons Investigations Unit (FPIU), comprising approximately 17 detectives (Hardy, 2021). Both operated under the Counter Terrorism and Special Tactics Command. The NSWPF defined a fixated person as:

An individual who has an obsessive preoccupation pursued to an excessive or irrational degree with:

- a) Public Office Holder or Internationally Protected Person;
- b) Other person(s) as nominated by the Commissioner of Police or their delegate; or
- c) A cause influenced by an extreme belief;

and constitutes a threat to the safety of an individual or section of the community.

Threats can be physical and/or psychological in nature (Portfolio Committee No.5 Legal Affairs, 2021a, pp.6-7).

Reports, from the public or other agencies, were initially assessed by the Terrorism Intelligence Unit (TIU), then directed to the Assessment Review Committee (ARC). If deemed appropriate, the referral was assigned to FTAC (Portfolio Committee No.5 Legal Affairs, 2021a, p.6). Then, according to NSW's 2018 Counter Terrorism Plan, 'Police and Health jointly decide on the actions required to manage a fixated person, where they pose a threat to the safety of an individual or section of the community. Intervention and disruption are based on the threat level and the risk factors associated with each person' (NSW State Counter Terrorism Committee, 2018, p.13).

Where the fixated person posed a risk of serious violence, the case was referred to the FPIU. Staffed by police detectives, the FPIU had extensive powers, including conducting surveillance operations. In less serious cases, however, it might fall to local police precincts to, for example, issue a caution or seek an Apprehended Violence Order (AVO). At the inception of FTAC/FPIU, NSWPF Commissioner Mick Fuller encouraged the public to report friends, family or contacts they had concerns about. 'I'm not suggesting that, if you call, we're going to kick your door down,' he said (Olding, 2017).

From 2017 to 2021, the FPIU investigated 214 individuals. Approximately 50% were focused on a Minister, Member of Parliament or other public office holder (Portfolio Committee No.5 Legal Affairs, 2021a, p.9) and just over half of referrals met the criteria of a 'fixated person' (Parliament of NSW, 2021, p.9). FPIU investigations resulted in 88 individuals receiving 457 charges. (Portfolio Committee No.5 Legal Affairs, 2021a, p9).

These cases, however, were a very small subset of a much larger issue. Public office holders were expected to attract scrutiny and criticism, even unfair criticism, given the nature of the role (Payne, 2021). Yet research, in Australia and overseas, found that many parliamentarians also experienced intimidating behaviours such as stalking or harassment from members of the public. Online abuse and threats were even more common (Riddle et al., 2019, p.457; Phillips, Pathe & McEwan, 2023,

pp.912-913). The impact on victims could be profound and enduring. The impact on politics was harder to gauge but people, women especially, reported refraining from public debate and/or public life to avoid being targeted (White, 2022; Majumdar, 2021).

Most menacing conduct did not result in violence, nor were most perpetrators necessarily fixated. However, a divided and aggressive political landscape, increasing social isolation and online platforms fostering conflict/misinformation were creating fertile conditions for the number of fixated persons to grow.

### **friendlyjordies vs John Barilaro**

Comedian and political commentator Jordan Shanks (also known as Jordan Shanks-Markovina) launched his YouTube channel friendlyjordies in early 2013. Over time, he trained a satirical eye on Australian politics, especially the then federal and NSW Liberal-National coalition governments. Shanks and his team also ventured into investigative reporting, focusing on corruption, waste and environmental mismanagement.

By mid-2021, friendlyjordies' had built a devoted audience of approximately 500,000 YouTube subscribers and 3,500 Patreon patrons (Hardy, 2019; friendlyjordies, 2015). Shanks had also become a polarising figure in the process (Radio Info, 2020). To fans and supporters, he was a fearless journalist and polemicist, telling truth to power and exposing the craven hypocrisy of the mainstream media (Brooker, 2020; Lynch, 2021). They also liked the jokes. To opponents and critics, who ran the political spectrum, Shanks was a Labor Party propagandist, bully and puerile font of sexist, ableist, racist and homophobic invective (Cool, 2021; Shepherd, 2021). Shanks admitted he used lowbrow humour and schoolyard taunts but justified it as necessary to engage often politically disengaged people on important issues that were ignored or misrepresented.

In late 2019, he released videos which took aim at the NSW Government and Premier Gladys Berejiklian over koala habitat destruction (Reuters, 2020; Blanch et al., 2018) and conservation funding cuts (Davis, 2019). Shanks dubbed her 'koalakiller' and the hashtag swept social media, bringing unwanted scrutiny with it. Deputy Premier John Barilaro, nicknamed 'bruz', also became a recurring subject for his role in environmental policy and other dealings.

Barilaro regarded the friendlyjordies' videos deeply offensive, derogatory and injurious to his reputation. He filed a federal court lawsuit in May 2021 against Shanks alleging defamation. The case centered on two videos published in September and October 2020. Titled 'Bruz', the first video was filmed at Barilaro's Airbnb-listed country estate. Noting another moniker for the Deputy Premier, 'Pork Barrel-aro', (AAP, 2019; Nilsson, 2021), one he didn't exactly resile from (Link, 2020), Shanks questioned decisions which allocated public funds to companies and projects with apparent links to Barilaro associates or his political interests (friendlyjordies, 2020a). He parodied Barilaro's voice and used a variety of insults and ethnic slurs, including describing him as a 'fat decadent conman' and likening his appearance to a 'Mafia don' and a 'meatball' – in reference to his Italian heritage. In the second video, 'Secret Dictatorship', friendlyjordies claimed that the Deputy Premier had misused his power and influence to the detriment of rural NSW town Narrandera (friendlyjordies, 2020b).

Lawyers for Barilaro argued that the two videos, which had amassed over 1 million views, portrayed him as a 'corrupt conman' who had committed perjury and engaged in blackmail. They simultaneously launched legal action against Google for failing to remove the videos containing 'vile and racist' language directed at the Deputy Premier (Bavas, 2021). Shanks, meanwhile, vowed to defend the case vigorously, using truth as one of his defences.

## Too far?

The arrest of Langker drew wide condemnation, even from friendlyjordies critics. They wondered how Langker or his actions met FPIU criteria. Former NSW Director of Public Prosecutions Nicolas Cowdery commented that the FPIU had apparently veered from its original purpose of terrorism prevention (Knaus, 2021b). Criminologist Keiran Hardy wrote that the case could ‘set a precedent about what is fixated behaviour and an appropriate use of the FPIU. If that bar is set too low, there will be a serious risk to free speech and democracy,’ (Hardy, 2021). Even from the outset there were concerns that the FPIU could broaden its scope from ‘lone wolves’ and proto-terrorists to include activists, whistleblowers and anyone the government wanted to silence. Over-policing the mentally unwell was another worry (Wolf, 2017).

Former Prime Minister Kevin Rudd recalled being trailed by ABC comedy troupe The Chaser, which were fond of public stunts, as well as frequent incursions from journalists, ‘But I never considered asking counterterrorism police to round them up on stalking charges,’ he wrote. Rudd acknowledged that friendlyjordies’ abrasive approach had attracted antipathy, from the establishment media particularly, but asked them to consider how door-stopping and cold-calling politicians might look in the event Langker was convicted (Rudd, 2021).

‘The consequences are also profound for the public’s confidence in the police,’ he wrote, ‘Law enforcement agencies operate at arm’s length from government, but they know it’s the politicians who allocate budgets, appoint commissioners and write legislation. For that reason, they should not just operate but be seen to operate in that way.’ Rudd continued: ‘It’s not difficult to find an Australian whose complaint to police has taken forever to investigate for lack of resources, especially among Australian women. Against that backdrop, the visuals of police swooping on a comedy writer within hours of receiving a complaint involving the Deputy Premier is jarring. It could severely erode public trust,’ (Rudd, 2021).

Few commentators were prepared to defend the arrest or use of the FPIU. Some, however, argued that that the friendlyjordies situation was not equivalent to being hounded by journalists or Chaser-style pranks in that it was a drawn-out, pursuit involving repeat unwanted interactions. Shanks’ ability to mobilise his audience to take action on social media<sup>3</sup>, added another dimension (Cool, 2021). Barilaro, however claimed that friendlyjordies fans had accosted him in public on multiple occasions and that more than one of these confrontations nearly turned violent (Mitchell, 2022).

A crowd-funding campaign launched to pay for Shanks’ defamation defence was expanded to include Langker’s legal fees. By mid-June the fund had amassed some 24,000 donations totaling more than \$1 million. A grateful Langker said: ‘I cannot imagine how horrifying it is for others who’ve also endured politically motivated intimidation but don’t have the means to resist,’ (Knaus, 2021c).

At a late June 2021 court hearing, Langker pleaded not guilty to both charges and had most of his bail conditions lifted. ‘It was outrageous that he was even arrested under these circumstances,’ said his lawyer, ‘They could well have dealt with this as they deal with every other citizen, with an AVO warning or ask him to him to the police station,’ (McGowan, 2021b). When reporters asked Langker why he disliked Barilaro, he responded, ‘It’s about doing journalism. It’s not about liking him; it’s about holding him to account,’ (Costin, 2021).

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<sup>3</sup> For example, by creating memes, emailing politicians on particular issues, commenting on posts etc.

Shortly after Langker's arrest, the Government was asked in the NSW Parliament why police had used a counter-terrorism squad to arrest Langker in what was essentially a civil dispute between Shanks and the Deputy Premier. Over the next year, ministers and senior police would front a series of parliamentary hearings to face questioning. Answers, however, would prove elusive.

According to the police account, the Associate Director of Security at the Department of Premier and Cabinet, contacted the Sydney City Police Area Command on 1 December 2020, following a phone call made by Jordan Shanks to John Barilaro seeking comment on allegations of an extramarital affair. As the matter involved a high office holder, it was referred to the Anti-Terrorism and Intelligence Group (Terrorism Intelligence Unit), which allocated it to the FPIU (Portfolio Committee No.5 Legal Affairs, 2021b, p.22). The next day (December 2) Barilaro met with FPIU detectives, though denied requesting the unit specifically (Mitchell, 2021). Police testimony supported this assertion (Portfolio Committee No.5 Legal Affairs, 2021b, p.22).

### **Strike Force Wyargine and other questions**

The FPIU then established Strike Force Wyargine comprising 9 detectives (part-time) to monitor Jordan Shanks and his friendlyjordies activities (Portfolio Committee No. 5 – Regional NSW and Stronger Communities, 2022b, p.16). Why a Strike Force was deemed necessary was not established, only that a strike force did not require Commissioner or Minister-level approval.

Under questioning, Assistant Police Commissioner Mark Walton of the Counter-terrorism and Special Tactics Command confirmed that Langker had been arrested, without a warrant, for intimidation, asserting that the decision had been made independently by the FPIU investigator. Walton acknowledged that while there was no threat of physical harm from Langker, police were concerned about the potential for mental harm (Portfolio Committee No.5 Legal Affairs, 2021c, p.14)

Yet although approximately six months elapsed between officially opening a file on Shanks and arresting Langker, investigators had apparently not conferred with NSW Health experts to evaluate either Shanks or Langker and gauge the level of risk (Portfolio Committee No.5 Legal Affairs, 2021c, pp.14-17). Walton noted that, while it was practice, there was no explicit obligation for police to involve a psychologist or psychiatrist in every assessment (Portfolio Committee No.5 Legal Affairs, 2021c, p.17). It also transpired that cases involving criminal allegations could be referred directly to the FPIU from the Terrorism Intelligence Unit or Assessment Review Committee, even if they didn't meet the threshold for FTAC involvement (Portfolio Committee No.5 Legal Affairs, 2021a, p.6).

Deputy Police Commissioner David Hudson conceded that the investigator made 'mistakes' saying that, 'Without in any way condoning the behaviour that caused it to happen by Kristo Langker, I think the investigator thought it was a component of something that was escalating that we were already seeking legal advice on, and this was the last straw in relation to that escalating series of events in relation to this group and Mr Barilaro. So I do not think there was corruption involved, but in hindsight I would have preferred it to follow the appropriate process,' (Portfolio Committee No. 5 – Regional NSW and Stronger Communities, 2022a, p.40).

In Hudson's view, Langker's case should have been treated as separate from Shanks and he contacted the Counter Terrorism Acting Commander to review Langker's arrest and emphasise the importance of following standard operating procedures<sup>4</sup> (Portfolio Committee No.5 Legal Affairs,

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<sup>4</sup> Standard operating procedures were supplied to the Committee but not made public.

2021b, pp.26-28). Yet despite this deviation, Hudson was satisfied that the FPIU's involvement was appropriate and that the outcome would have been the same regardless (p.27).

Police agreed that it was not the FPIU's role to pursue government critics. However, when asked what internal policy police followed to determine when commentary on public figures became intimidation and warranted police intervention, Commissioner Mick Fuller did not articulate one. Instead, he suggested that online bullying and harassment was 'a brave new world' for policing and that 'Parliament is going to have to grasp the setting or standard you want us to enforce' (Portfolio Committee No.5 Legal Affairs, 2021c, p.16). Continuing, he said:

Commissioner MICK FULLER: ...This is a new phenomenon. Have we dealt with this matter appropriately? With hindsight, we could have done things differently, no doubt, and we are learning from it. But this will be one of the great legislative challenges of this decade.

The Hon. ADAM SEARLE: Commissioner, this is in fact my question: Without that legislative apparatus the police has made a decision, it has formed a judgement about where robust public criticism of a government minister has crossed the line. It is a matter for the court but that is the judgement the police have made. Upon what basis and on what policy have the police filled in those gaps? (Portfolio Committee No.5 Legal Affairs, 2021c, p.16).

Ministers and senior police called before the committees denied having advance knowledge of the arrest or direct oversight of the case, and rejected suggestions it was politically motivated. Police Minister David Elliot described himself as a 'passionate advocate for the apolitical approach of policing in New South Wales,' (Portfolio Committee No.5 Legal Affairs, 2021c, p.25). He did not address the question of what he and the Commissioner were doing to preserve the NSWPF's apolitical status and rejected the idea that there was a problem: 'I have to say that there is no way in the world that I could look at any of the senior executive in the Police Force and say that they have ever acted in a partisan matter whatsoever—in fact, quite to the contrary,' (Portfolio Committee No.5 Legal Affairs, 2021c, p.25).

Assistant Commissioner Mark Walton, meanwhile, understood the perception that the police had been used to mute a government critic. Yet he avoided commenting on whether that perception was justified. Asked whether Shanks was still under investigation, Walton indicated that police were looking into possible charges of intimidation (Portfolio Committee No.5 Legal Affairs, 2021c, p.15).

Questions of politicisation also arose when police attempted to compel Shanks to remove videos discussing the FPIU, or Langker's case, and prevent him from commenting further until the case was resolved. Although the application was rejected by the presiding magistrate, Attorney General Mark Speakman was asked whether he was concerned about the use of state resources to pursue such matters. Especially when the police had neglected to seek advice from the Crown Solicitor's Office prior (Portfolio Committee No.5 Legal Affairs, 2021d, p.4). Speakman declined to share his thoughts on a case still in progress.

### **Sticks and stones and pens and swords**

Attempts to fathom what happened, and why, were slow going. Repeated requests from members of parliament to the government and police for documents and communications relating to friendlyjordies and the FPIU were only partially fulfilled, the government citing legal concerns. Meanwhile, developments continued outside parliament.

In October 2021, John Barilaro resigned as Deputy Premier and as a member of parliament, just days after Premier Gladys Berejiklian's departure following an Independent Commission Against Corruption (ICAC) announcement that she was under investigation. Barilaro attributed his decision to the pressures of public life<sup>5</sup>, particularly his defamation case against Jordan Shanks, 'As someone who has been around the traps, a 49-year-old man that has played it rough and tough, I've got to tell you it has been very difficult ... I don't know how many of you can endure what I've endured online,' (Cockburn, 2021). Claims would later emerge that the friendlyjordies campaign against him had prompted thoughts of self-harm (McGowan, 2022a).

Barilaro got some relief a few weeks later. After a ruling limiting the evidence Shanks could present, plaintiff and defendant eventually reached a settlement. Shanks undertook to excise certain remarks from the videos, contribute \$100,000 to Barilaro's legal costs and issue an apology. Shanks also agreed not to publish claims about Barilaro's personal life, nor continue selling merchandise depicting him (McGowan, 2021c). Yet it was a tepid victory. The videos remained online and, despite editing, substantially intact.

In the criminal courts, NSWPF eventually dropped all charges against Kristo Langker in March 2022. Police were ordered to pay his legal costs. Langker's lawyer said his client was lucky the incident had been filmed, otherwise he would likely be facing a conviction (Australian Associated Press, 2022).

By June 2022 the battlefield had shifted to Barilaro vs Google. However, to the surprise of some, the company dropped its defences and Barilaro was awarded \$715,000 in damages. The judge found the videos had 'traumatised' Barilaro, breaching Google's hate speech, cyberbullying and harassment policies and leading to thousands of 'hateful' comments and communications, including violent threats (McGowan, 2022b). While lawyers, academics and pundits mulled the judgement's significance, the videos (bar one) were still viewable on YouTube.

## Where to for the FPIU?

The controversy surrounding Lankger's case prompted an investigation into the lawfulness of the arrest and use of excessive force which was monitored by the Law Enforcement Conduct Commission (LECC). The LECC is a permanent independent body tasked with detecting and investigating serious misconduct and maladministration in the NSW Police Force (NSWPF) and NSW Crime Commission (NSWCC), as well as overseeing internal police investigations into complaints and critical incidents.<sup>6</sup> Recent inquiries included the misuse of strip-search powers (2020), the treatment of vulnerable persons in custody (2023), and issues with the Suspect Targeting Management Plan, particularly concerning young/Indigenous people (McGowan, 2022c; Law Enforcement Conduct Commission, 2023; Rose, 2023b).

The LECC was established in 2017 to replace three oversight bodies: the Police Integrity Commission, the police division of the NSW Ombudsman and the Inspector of the NSW Crime Commission (NSWCC). Although it had been given a broader statutory role under the *Law Enforcement Conduct Commission Act 2016*, from its inception, the LECC had been consistently underfunded (Gregoire & Nedim, 2018). This was despite recommendations to provide adequate resourcing and avoid cost-saving measures in the short term (Tink, 2015, p.8). In a 2018 parliamentary submission, the then

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<sup>5</sup> Previously, conflict with Coalition partners over Barilaro's opposition to boosting koala protection prompted the Deputy Premier to take mental health leave in 2020 (ABC News, 2020).

<sup>6</sup> A critical incident is an incident involving a NSW police officer and the death or serious injury of a member of the public.

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LECC Chief Commissioner Michael Adams warned that the Commission's restrictive financial position was already hampering its ability to lead investigations and the workload was only increasing (Adams, 2018). A \$6 million budget cut in 2019 did not help (Morandin, 2023).

In four years, complaints to the LECC had more than doubled to reach 5095 by 2021-2022 (Law Enforcement Conduct Commission, 2022, p.34). Yet in 2022, the Commission only had the capacity to investigate 1.5% of complaints and monitor police investigations of another 50% (Law Enforcement Conduct Commission, 2022, p.9). Investigations were conducted by ex-police officers, however, the LECC did not have the power to lay charges, determine guilt or discipline NSWPF members. It was limited to making findings, recommendations and referrals to the relevant authorities including the NSW Police Force.<sup>7</sup> The LECC's resource constraints, combined with its lack of compulsory power, were criticised by some justice advocates who considered it a toothless watchdog (Hickey & Nedim, 2019).

While few onlookers anticipated major repercussions from any investigation, the friendlyjordies episode did turn a spotlight on a little-known area of policing. It prompted questions about extremism, civil rights and free speech, as well as political influence, integrity and accountability. At the same time, a number of high-profile lone-actor attacks around Australia raised doubts about the value of fixated persons units. A new Chief Commissioner, Karen Webb, began in 2022 with many challenges in front of her and an organisational vision which placed integrity above all other values (NSW Police Force, 2022). However, the friendlyjordies saga still had a few twists left.

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<sup>7</sup> Law Enforcement Conduct Commission Act 2016 (NSW), Section 4.

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## Epilogue

### What happened next?

Following the withdrawal of criminal charges, Kristo Langker continued working as a friendlyjordies producer. During 2021-2022, the NSW Law Enforcement Conduct Commission (LECC) monitored a misconduct investigation into his arrest and allegations of excessive force. The results, however, were not made public. One of the detectives involved in his arrest also faced a separate misconduct investigation for his work on another case.

Meanwhile, the Deputy Premier's plans for post-political life came rapidly undone. John Barilaro's appointment as the NSW Government's Senior Trade and Investment Commissioner (STIC) to the Americas was soon followed by revelations that he had displaced a highly qualified candidate already selected for the lucrative job. He was forced to relinquish the role (one that he had created) and a parliamentary inquiry found the 'flawed' recruitment process lacked transparency and integrity (Public Accountability Committee Legislative Council, 2023, p.vii). Meanwhile, an Auditor General's report questioned Barilaro's role in awarding fast-tracked bushfire recovery grants that excluded Labor-held seats. It criticised deficiencies in the 'integrity, transparency and consistency' of the administration process (Australian Associated Press, 2023). People still call him 'bruz'.

As for Jordan Shanks, the FPIU episode led to more subscribers and patrons, along with increased notoriety. However, the friendlyjordies creator discovered that some of his opponents were not satisfied with using legal restraints. In late 2022, Shanks' Bondi home was firebombed, sustaining extensive damage, as did a neighbouring house (Parkes-Hupton, 2022). A long list of enemies gave police plenty of potential suspects. More than a year later police arrested an alleged associate of a Sydney-based organised crime network. Shanks understood the attack to be in retaliation for a friendlyjordies video suggesting links between the criminal outfit and a property development company. In early 2024, Shanks removed the video following further threats (Bucci, 2024).

### The future for Fixated Persons

For some observers, it seemed at the very least that the Fixated Persons Investigation Unit had veered from (or perhaps never really embraced) the original FTAC collaborative model. 'In essence,' wrote Bleakley (2022, p.838), 'the New South Wales model splits the basic FTAC system along tribal lines: one group (the FPIU) to investigate fixated persons with a view toward criminal charges, and a separate group (the NSWFTAC) to case manage subjects from a clinical standpoint.'

Langker's arrest drew attention to other questionable cases involving the FPIU, eventually prompting an internal revamp. In mid-2022, after the departure of Police Commissioner Mick Fuller, the unit's base was moved from Hurstville to join the Counter Terrorism and Special Tactics Command in North Sydney. The investigative remit was also expanded beyond fixation to better account for emerging threats, including a greater focus on the risks posed by right-wing extremism (Hanrahan, 2022).

However, the broader issue of trust in the police force was not diminishing, nor the issue of ensuring accountability and integrity. A number of high-profile incidents involving the use of force against citizens had renewed focus on the NSWPF and the Law Enforcement Conduct Commission. In the 2022-2023 LECC annual report, the Commission noted that:

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*In every critical incident investigation to date, involved police officers have refused to consent to the Commission investigator being present or to remotely observe their interviews. This appears to be a consistent and state-wide position taken by police officers involved in critical incidents. The power to observe interviews of involved officers in critical incident investigations, as it currently stands in the LECC Act, appears to be an illusory power. As the Act does not require that a reason be provided for refusal, the reasons that involved police officers choose to refuse are unclear (Law Enforcement Conduct Commission, 2023, p.68).*

The Commissioner of the LECC, Peter Johnson, also called publicly for greater powers to investigate critical incidents where a member of the public had been killed or injured by police, 'The current situation is we can't investigate at all. Even if there was an issue of misconduct potentially arising [from an internal police probe], we can't even look at that. We are really fairly narrowly confined in what we can do. The critical incident function has our role somewhat ring-fenced, I suppose would be the term I would use, and there may be some scope for loosening that up a little more,' (McGowan, 2023). He was also critical of the NSWPF's refusal to hand over key documents in a number of investigations, with police arguing it would be contrary to the 'public interest' (McGowan, 2024).

As the tussle between the LECC and NSWPF continued, outside developments prompted another reevaluation of fixated persons units and terror prevention. At a Bondi shopping centre in early 2024, a lone male perpetrator stabbed 17 people, killing six. Though his motives were unclear, he appeared to be targeting women. For criminologists and related experts it was another sign that police needed to shift focus, 'There is a very disproportionate emphasis on the threat of terrorism [inside fixated and grievance-fuelled threat units] as opposed to the threat of domestic and gender terrorism,' said Queensland University of Technology professor Kerry Carrington said (Hutchinson, 2024). Observed Australian National University Associate Professor Emily Corner:

*We're seeing the boundaries between lone acts of violent extremism, fixation and sometimes domestic violence and intimate partner homicide, Incel-related violence and hate crimes and school-related crime ... blurring. The people who present a serious security threat and risk of mass harm to the public don't just look like terrorists any more, nor do they just look like they have poor mental health. For a long time, people just said 'it's either terrorism or its mental health, or its fixation' but actually, it's not a case of either/or. When we look into what's driving these kinds of violence, they're all very similar,' (Hutchinson, 2024).*

## Exhibits

### Exhibit A: Friendlyjordies gatecrashing Macquarie University Politics at the Pub – April 2021



Source: Chriscoveries, <https://www.reddit.com/r/friendlyjordies/> Posted: 30 April 2021.

### Exhibit B: Still from Langker arrest – June 2021



Source: friendlyjordies, 'arrested', 14 June 2021, <https://www.youtube.com/watch?v=OXtq4a8829g>

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